

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Office of Fisheries
Wildlife and Fisheries Commission**

Removal of Abandoned Crab Traps
(LAC 76:VII.367)

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:332(N), that the Wildlife and Fisheries Commission proposes to amend LAC 76:VII.367 to temporarily close a portion of state inside waters to the use of crab traps in order to facilitate the removal of abandoned crab traps in these waters.

The Wildlife and Fisheries Commission has amended the provisions in LAC 76:VII.367 governing the locations of temporary crab trap closures to address problems in portions of state waters resulting from large numbers of abandoned and derelict crab traps (*Louisiana Register*, Volume 30, Number 1; Volume 31, Number 1; Volume 32, Number 2; Volume 33, Number 1; Volume 34, Number 1; Volume 36; Number 1; Volume 38, Number 1; Volume 38, Number 12; Volume 40, Number 1; Volume 41, Number 1; Volume 42, Number 1; Volume 42, Number 12; Volume 44, Number 1; Volume 45, Number 2). The Wildlife and Fisheries Commission took action on July 1, 2019 to describe a new portion of state waters to be temporarily closed to the use of crab traps for the purpose of conducting a crab trap cleanup.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§367. Removal of Abandoned Crab Traps

A. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 3, 2020 through 11:59 p.m. February 16, 2020 within portions of Jefferson, Orleans, and St. Tammany Parishes as described below:

1. from a point originating from the intersection of the north bound lane of the Lake Pontchartrain Causeway Bridge and the southern shoreline of Lake Pontchartrain (30 degrees 01 minutes 13.054 seconds north latitude, 90 degrees 09 minutes 15.165 seconds west longitude); thence easterly along the southern shoreline of Lake Pontchartrain to Chef Menteur Pass (30 degrees 05 minutes 49.10 seconds north latitude, 89 degrees 49 minutes 09.54 seconds west longitude); thence southerly along the western shoreline of Chef Menteur Pass to its intersection with U.S. Highway 90 at 30 degrees 03 minutes 59.99 seconds north latitude, 89 degrees 48 minutes 19.04 seconds west longitude; thence easterly following the east bound lane of U.S. Highway 90 to its intersection with the north shore of Rigolets Pass (30 degrees 10 minutes 32.08 seconds north latitude, 89 degrees 43 minutes 45.66

seconds west longitude); thence westerly following the north shore of Rigolets Pass to its opening at the northern shore of Lake Pontchartrain; thence westerly following the northern shore of Lake Pontchartrain to its intersection with the north bound lane of the Lake Pontchartrain Causeway Bridge; thence southerly along the north bound lane of the Lake Pontchartrain Causeway Bridge to the origin.

B. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 3, 2020 through 11:59 p.m. February 16, 2020 within portions of Jefferson, Lafourche, and Plaquemines Parishes as described below:

1. from a point originating at the intersection of the Gulf Intracoastal Waterway and the northern shore of Hero Canal (29 degrees 48 minutes 12.73 seconds north latitude, 90 degrees 04 minutes 09.21 seconds west longitude); thence westerly to a point along the western shore of the Gulf Intracoastal Waterway at 29 degrees 48 minutes 15.14 seconds north latitude, 90 degrees 04 minutes 18.67 seconds west longitude; thence southerly along the western shore of the Gulf Intracoastal Waterway to a point opposite the western shore of Bayou Perot (29 degrees 40 minutes 56.67 seconds north latitude, 90 degrees 11 minutes 36.79 seconds west longitude); thence easterly to a point on the western shore of Bayou Perot at 29 degrees 40 minutes 50.66 seconds north latitude, 90 degrees 11 minutes 25.48 seconds west longitude; thence

southerly along the western shore of Bayou Perot to Little Lake;
thence southerly along the western shore of Little Lake to 29
degrees 30 minutes 00 seconds north latitude, 90 degrees 12 minutes
01.497 seconds west longitude; thence eastward along 29 degrees 30
minutes 00 seconds north latitude to the eastern shore of Wilkinson
Canal (29 degrees 30 minutes 00 seconds north latitude, 89 degrees
56 minutes 58.47 seconds west longitude); thence northerly along
the eastern shore of Wilkinson Canal to its termination; thence
northerly to the western shore of the Mississippi River at 29
degrees 38 minutes 24.94 seconds north latitude, 89 degrees 57
minutes 1.21 seconds west longitude; thence northerly along the
western shore of the Mississippi River to a point easterly of the
northern shoreline of Hero Canal (29 degrees 47 minutes 9.60
seconds north latitude, 90 degrees 01 minutes 17.77 seconds west
longitude); thence westerly to the northern shore of Hero Canal;
thence westerly along the northern shore of Hero Canal to the
origin.

C. The use of crab traps shall be prohibited for a 10-day
period from 12:00 a.m. February 10, 2020 through 11:59 p.m.
February 19, 2020 within portions of Cameron Parish as described
below:

1. from a point originating on the eastern shore of
Calcasieu Lake at 29 degrees 56 minutes 30 seconds north latitude,
93 degrees 14 minutes 52.30 seconds west longitude; thence

southerly following the eastern and southern shore of Calcasieu Lake to its intersection with the eastern shore of East Pass at 29 degrees 50 minutes 21.904 seconds north latitude, 93 degrees 19 minutes 40.934 seconds west longitude; thence southerly following the eastern shore of East Pass to its intersection with the Calcasieu Ship Channel; then southerly along the eastern shore of the Calcasieu Ship Channel to a point located just north of the Cameron Ferry (29 degrees 48 minutes 14.45 seconds north latitude, 93 degrees 20 minutes 43.75 seconds west longitude); thence west along 29 degrees 48 minutes 14.45 seconds north latitude to a point located north of the Cameron Ferry on the western shore of the Calcasieu Ship Channel (29 degrees 48 minutes 14.45 seconds north latitude, 93 degrees 20 minutes 56.436 seconds west longitude); thence northerly along the western shore of the Calcasieu Ship Channel to a point at 29 degrees 56 minutes 30 seconds north latitude, 93 degrees 20 minutes 25.77 seconds west longitude; thence west along 29 degrees 56 minutes 30 seconds north latitude to the origin.

D. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 10, 2020 through 11:59 p.m. February 23, 2020 within portions of Iberia and Vermilion Parishes as described below:

1. from a point originating from the intersection of the Acadiana Navigational Channel and the Gulf Intracoastal

Waterway (29 degrees 50 minutes 33.793 seconds north latitude, 91 degrees 50 minutes 26.43 seconds west longitude); thence southwest along the Acadiana Navigational Channel red buoy line to the red navigational marker number 20 (29 degrees 36 minutes 12.551 seconds north latitude, 92 degrees 00 minutes 18.487 seconds west longitude) near the Marsh Island shoreline near Southwest Pass; thence westerly to the Green Light Channel Marker number 21 (29 degrees 36 minutes 44.541 seconds north latitude, 92 degrees 00 minutes 21.808 seconds west longitude); thence westerly to Southwest Point; thence westerly along the southern shore of Vermilion Bay to the eastern shore of Hell Hole; thence southerly along the shore of Hell Hole to its intersection with Hell Hole Bayou; thence westerly to the western shore of Hell Hole; thence northerly along the western shore of Hell Hole to its intersection with the southwestern shore of Vermilion Bay; thence northerly along the southwestern shore of Vermilion Bay to Redfish Point; thence westerly along the shore of Vermilion Bay to its intersection with Freshwater Bayou Canal just past Coles Bayou (29 degrees 44 minutes 54.065 seconds north latitude, 92 degrees 13 minutes 02.277 seconds west longitude); thence northerly along the western shore of Freshwater Bayou Canal to its intersection with the northern shore of the Gulf Intracoastal Waterway; thence easterly along the northern shore of the Gulf Intracoastal Waterway to the origin.

E. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. March 2, 2020 through 11:59 p.m. March 15, 2020 within portions of Orleans, St. Bernard, and St. Tammany Parishes as described below:

1. from a point originating at the intersection of the Mississippi/Louisiana state line and U.S. Highway 90 (30 degrees 14 minutes 20.816 seconds north latitude, 89 degrees 36 minutes 53.218 seconds west longitude); thence westerly along U.S. Highway 90 to its intersection with the western shore of Chef Menteur Pass; thence southerly on the western shore of Chef Menteur Pass to its intersection with the Gulf Intracoastal Waterway; thence westerly on the northern shore of the Gulf Intracoastal Waterway to its intersection with the Inner Harbor Navigation Canal Lake Borgne Surge Barrier (30 degrees 00 minutes 53.88 seconds north latitude, 89 degrees 54 minutes 06.13 seconds west longitude); thence southerly along the Inner Harbor Navigation Canal Lake Borgne Surge Barrier to the western shore of the Mississippi River Gulf Outlet (29 degrees 59 minutes 39.183 seconds north latitude, 89 degrees 54 minutes 29.09 seconds west longitude), thence southerly along the western shore of the Mississippi River Gulf Outlet to its intersection with the western shore of the Shell Beach Canal; thence southerly along the western shore of the Shell Beach Canal to a point at 29 degrees 51 minutes 13.28 seconds north latitude, 89 degrees 40 minutes 47.54 seconds west longitude; thence easterly

to a point on the eastern shore of the Shell Beach Canal (29 degrees 51 minutes 12.82 seconds north latitude, 89 degrees 40 minutes 45.80 seconds west longitude); thence northerly along the eastern shore of the Shell Beach Canal to its intersection with the western shore of the Mississippi River Gulf Outlet; thence northerly to a point located on the eastern shore of the Shell Beach Cut; thence northerly along the eastern shore of the Shell Beach Cut to a point located at its intersection with the southern shore of Lake Borgne; thence easterly and northerly along the south and east shore of Lake Borgne to Malhereux Point (30 degrees 04 minutes 41.392 seconds north latitude, 89 degrees 29 minutes 02.000 seconds west longitude); thence northerly to a point on the Mississippi/Louisiana state line (30 degrees 09 minutes 45.844 seconds north latitude, 89 degrees 29 minutes 02.000 seconds west longitude); thence northerly along the Mississippi/Louisiana state line to the origin.

F. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. March 2, 2020 through 11:59 p.m. March 15, 2020 within portions of Terrebonne Parish as described below:

1. from a point originating along the western shore of Bayou Pointe Aux Chenes (29 degrees 25 minutes 59.26 seconds north latitude, 90 degrees 27 minutes 31.39 seconds west longitude) near the intersection of Lower U.S. Highway 665 and Island Road; thence westerly to the south bound lane of Island Road; thence southerly

along the south bound lane of Island Road to its intersection with the western boundary of the Pointe Aux Chenes Unit of the Pointe Aux Chenes Wildlife Management Area (29 degrees 24 minutes 25.774 seconds north latitude, 90 degrees 29 minutes 28.429 seconds west longitude); thence northerly along the western boundary of the Pointe Aux Chenes Unit of the Pointe Aux Chenes Wildlife Management Area to its intersection with the southern boundary of the Montegut Unit of the Pointe Aux Chenes Wildlife Management Area (29 degrees 25 minutes 20.378 seconds north latitude, 90 degrees 29 minutes 58.29 seconds west longitude); thence westerly along the southern boundary of the Montegut Unit of the Pointe Aux Chenes Wildlife Management Area to its southwestern most point located on the eastern shore of the Humble Canal (29 degrees 25 minutes 51.125 seconds north latitude, 90 degrees 33 minutes 31.885 seconds west longitude); thence northerly along the eastern shore of the Humble Canal to its intersection with Bayou Terrebonne (29 degrees 26 minutes 17.702 seconds north latitude, 90 degrees 34 minutes 00.193 seconds west longitude); thence westerly to a point located on the western shore of Bayou Terrebonne at 29 degrees 26 minutes 17.66 seconds north latitude, 90 degrees 34 minutes 02.751 seconds west longitude; thence southerly along the western shore of Bayou Terrebonne to its intersection with Bush Canal (29 degrees 22 minutes 07.156 seconds north latitude, 90 degrees 36 minutes 05.437 seconds west longitude); thence westerly along the northern shore

of Bush Canal to its intersection with Bayou Little Caillou (29 degrees 22 minutes 52.495 seconds north latitude, 90 degrees 37 minutes 14.931 seconds west longitude); thence southerly along the western shore of Bayou Little Caillou to 29 degrees 17 minutes 00 seconds north latitude, 90 degrees 38 minutes 41.401 seconds west longitude; thence east along 29 degrees 17 minutes 00 seconds north latitude to the western shore of Bayou Pointe Aux Chenes (29 degrees 17 minutes 00 seconds north latitude, 90 degrees 23 minutes 00.507 seconds west longitude); thence northerly along the western shore of Bayou Pointe Aux Chenes to the origin.

~~A. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 1, 2019 through 11:59 p.m. February 14, 2019 within portions of Plaquemines and Jefferson Parishes as described below:~~

~~From a point originating on the western boundary of the Barataria Waterway (29 degrees 34 minutes 54.52 seconds north latitude, 90 degrees 3 minutes 41.24 seconds west longitude); thence easterly to the intersection of Highway 23 and Reddick Lane (29 degrees 34 minutes 53.36 seconds north latitude, 89 degrees 49 minutes 38.29 seconds west longitude); thence southerly on Highway 23 to the intersection of Caroline Avenue and Highway 23; thence southwesterly to a point where Little Pass and the southern bank of the Freeport Sulphur Canal intersect (29 degrees 27 minutes 19.15 seconds north latitude, 89 degrees 42 minutes 25.96 seconds~~

~~west longitude); thence southwesterly following the southern bank of the Freeport Sulphur Canal to a point located at 29 degrees 23 minutes 51.08 seconds north latitude, 89 degrees 46 minutes 30.00 seconds west longitude; thence westerly to a point located on the western shore of the Barataria Waterway at 29 degrees 24 minutes 17.19 seconds north latitude, 89 degrees 59 minutes 24.00 seconds west longitude; thence northerly following the western shore of the Barataria Waterway and terminating at the origin.~~

~~B. The use of crab traps shall be prohibited for a 10-day period from 12:00 a.m. February 1, 2019 through 11:59 p.m. February 10, 2019 within Jefferson, St. John the Baptist, St. Charles, St. Tammany, and Tangipahoa Parishes as described below:~~

~~From a point of origin where I-55 intersects Pass Manchac (30 degrees 17 minutes 7.08 seconds north latitude, 90 degrees 24 minutes 6.07 seconds west longitude); thence easterly following the northern bank of Pass Manchac to the point where Pass Manchac exits at the northwest bank of Lake Pontchartrain; thence northerly following the bank of Lake Pontchartrain to the south bound lane of the Lake Pontchartrain Causeway (30 degrees 21 minutes 51.75 seconds north latitude, 90 degrees 5 minutes 38.59 seconds west longitude); thence southerly to a point where the Lake Pontchartrain Causeway crosses the Lakefront Trail located at 30 degrees 1 minutes 10.06 seconds north latitude, 90 degrees 9 minutes 17.28 seconds west longitude; thence westerly following~~

~~the Lakefront Trail along the south bank of Lake Pontchartrain until it intersects the Duncan Canal (30 degrees 2 minutes 50.56 seconds north latitude, 90 degrees 16 minutes 45.21 seconds west longitude); thence westerly past the Duncan Canal continuing to follow the south bank of Lake Pontchartrain to a point where I-10 passes over the southern bank of Lake Pontchartrain (30 degrees 3 minutes 21.43 seconds north latitude, 90 degrees 22 minutes 17.79 seconds west longitude); thence westerly on I-10 to the intersection of I-55, thence northerly on I-55 and terminating at the origin.~~

~~C. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 15, 2019 through 11:59 p.m. February 28, 2019 within portions of Terrebonne Parish as described below:~~

~~From a point originating at the intersection of the eastern shoreline of Bayou Dularge and the northern shoreline of Falgout Canal (29 degrees 24 minutes 44.098 seconds north latitude, 90 degrees 46 minutes 58.47 seconds west longitude); thence westerly along the northern shoreline of Falgout Canal to Lake de Cade; thence westerly along the northern shoreline of Lake de Cade to the mouth of Bayou de Cade; thence southwesterly along the northern shoreline of Bayou de Cade to Lost Lake; thence westerly along the northern shoreline of Lost Lake to the mouth of Rice Bayou; thence southerly along the western shoreline of Rice Bayou~~

~~to Blue Hammock Bayou; thence westerly along the northern shore of Blue Hammock Bayou to Four League Bay; thence southerly along the eastern shoreline of Four League Bay to the mouth of Oyster Bayou; thence southerly along the eastern shoreline of Oyster Bayou to a point along the inside-outside shrimp line as defined in LAC 76:VII.370(29 degrees 13 minutes 12.001 seconds north latitude, 91 degrees 07 minutes 48.002 seconds west longitude); thence easterly along the inside-outside shrimp line to the eastern shoreline of Bayou Grand Caillou; thence northerly along the eastern shoreline of Bayou Grand Caillou to 29 degrees 15 minutes 00 seconds north latitude; thence westerly across Bayou Grand Caillou to the northern shoreline of the Tennessee Gas Pipeline canal; thence westerly along the northern shoreline of the Tennessee Gas Pipeline canal to the eastern shore of Bayou Dularge; thence northerly along the eastern shoreline of Bayou Dularge and terminating at its origin.~~

~~D. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 15, 2019 through 11:59 p.m. February 28, 2019 within Plaquemines parish as described below:~~

~~From a point originating along the eastern shoreline of the Mississippi River at 29 degrees 46 minutes 11.835 seconds north latitude; thence easterly along 29 degrees 46 minutes 11.835 seconds north latitude to its intersection with the eastern bank of Bayou Terre Aux Boeufs at 29 degrees 46 minutes 11.835 seconds~~

~~north latitude, 89 degrees 47 minutes 20.53 seconds west longitude; thence southerly along the eastern bank of Bayou Terre Aux Boeufs to 29 degrees 41 minutes 15.19 seconds north latitude, 89 degrees 38 minutes 00 seconds west longitude; thence southerly along 89 degrees 38 minutes 00 seconds west longitude to 29 degrees 34 minutes 12 seconds north latitude, 89 degrees 38 minutes 00 seconds west longitude; thence westerly along 29 degrees 34 minutes 12 seconds north latitude to 29 degrees 34 minutes 12.00 seconds north latitude, 89 degrees 42 minutes 36 seconds west longitude; thence southerly along 89 degrees 42 minutes 36 seconds west longitude to its intersection with the eastern bank of the Mississippi River at 29 degrees 30 minutes 51.57 seconds north latitude, 89 degrees 42 minutes 36.24 seconds west longitude; thence northerly along the eastern bank of the Mississippi River to its point of origin.~~

~~E. The use of crab traps shall be prohibited for a 10-day period from 12:00 a.m. March 13, 2019 through 11:59 p.m. March 22, 2019 within Cameron and Calcasieu Parishes as described below:~~

~~From a point originating at the Louisiana/Texas state line at 29 degrees 57 minutes 00 seconds north latitude, 93 degrees 48 minutes 29.67 seconds west longitude; thence northerly along the Louisiana/Texas state line to its intersection with the southernmost east bound lane on Interstate 10; thence northeasterly along the southernmost east bound lane on Interstate 10 to its intersection at 30 degrees 11 minutes 15.16 seconds north~~

~~latitude, 93 degrees 33 minutes 18 seconds west longitude; thence southerly along 93 degrees 33 minutes 18 seconds west longitude to its intersection at 29 degrees 57 minutes 00 seconds north latitude, 93 degrees 33 minutes 18.00 seconds west longitude; thence westerly along 29 degrees 57 minutes 00 seconds north latitude to its point of origin.~~

F G. All crab traps remaining in the closed area during the specified period shall be considered abandoned. Crab trap removal regulations do not provide authorization for access to private property; authorization to access private property can only be provided by individual landowners. Crab traps may be removed only between one-half hour before sunrise to one-half hour after sunset. Department of Wildlife and Fisheries personnel or its designees are authorized to remove these abandoned crab traps within the closed area. All traps removed during a closed area are to be brought to the designated disposal area. No person removing crab traps from the designated closed areas during the closure periods shall possess these traps outside of the closed area. The Wildlife and Fisheries Commission authorizes the secretary of the Department of Wildlife and Fisheries to designate disposal sites.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:332(N).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 30:101

(January 2004), amended LR 31:108 (January 2005), LR 32:266 (February 2006), LR 33:113 (January 2007), LR 34:97 (January 2008), LR 36:77 (January, 2010), LR 38:146 (January 2012), LR 38:3250 (December 2012), LR 40:96 (January 2014), LR 41:155 (January 2015), LR 42:70 (January 2016), amended by the Department of Wildlife and Fisheries, Office of Fisheries and the Wildlife and Fisheries Commission LR 42:2196 (December 2016), LR 44:100 (January 2018), LR 45:78 (January 2019), repromulgated LR 45:282 (February 2019), LR 45:

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and final rule, including but not limited to, the filing of the Fiscal and Economic Impact statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S.49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed Rule to Mr. Peyton Cagle, Marine Fisheries Biologist DCL-B, Marine Fisheries Section, 1213 N. Lakeshore Dr., Lake Charles, LA 70611, or via email to pcagle@wlf.la.gov prior to September 16, 2019.

Alfred R. Sunseri, Chairman
Wildlife and Fisheries Commission

Date Signed